

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
TERRY L. COLE

Serial No.: 09/488,351

Filed: JANUARY 20, 2000

For: METHOD AND APPARATUS FOR
USING LOW POWER TRAINING

Group Art Unit: 2611

Examiner: SAM K. AHN

Conf. No.: 4297

Atty. Dkt.: 2000.023000/TT3444

CUSTOMER NO.: 23720

COMMENTS ON STATEMENT OF REASON FOR ALLOWANCE

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Mailed a Notice of Allowance on June 12, 2008, allowing all of the pending claims 2-32, 35 and 36. The due date for paying the Issue Fee is September 12, 2008. This paper is being filed on, or before, the due date, therefore it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance, particularly in light of the emphasis added to certain claim language. While the Applicants understand the Examiner's desire to use convenient phraseology or emphasis of certain phrases in the claims, Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and Examiner's paraphrasing and/or emphasizing. Furthermore, words used in the Examiner's paraphrasing and/or emphasizing should not be construed as claim limitations if the claims themselves do not include the language referenced by

the Examiner. Emphasis added to certain phrases of the claims should not be interpreted as being more relevant than other portions of the claims. In other words, Examiner's emphasis of some phrases in the claims should not be construed to provide any special meaning other than the meaning provided by the claim language itself. Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Should the Examiner have any questions, **the Examiner is invited to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4064.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: July 7, 2008

By: /Ruben S. Bains/
Ruben S. Bains, Reg. No. 46,532
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4064
(713) 934-7011 (facsimile)
ATTORNEY FOR APPLICANT(S)